

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

T-W TRANSPORT, INC.,
a Washington corporation,

Plaintiff,

v.

TA OPERATING LLC, a Delaware limited
liability company, dba MR. B'S LOUNGE,

Defendants.

No. 3:15-cv-00099-AC

OPINION AND ORDER

MOSMAN, J.,

On August 17, 2015, Magistrate Judge Acosta issued his Findings and Recommendation (F&R) [23], recommending that Defendant's Motion to Dismiss [6] should be GRANTED; that Plaintiff's Motion for Leave to File Second Amended Complaint [14] should be DENIED; and that Plaintiff's remaining claim should be DISMISSED for lack of subject matter jurisdiction. No objections to the Findings and Recommendation were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [83] as my own opinion.

IT IS SO ORDERED.

DATED this 3rd day of September, 2015.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge